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BEFORE THE  
PHYSICAL THERAPY BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation and Petition to  
Revoke Probation Against:

**SURESH KUMAR AHUJA**  
525 East Magnolia Boulevard, #O  
Burbank, California 91501

Physical Therapist License No. 15596,  
Respondent.

Case No. D2-1993-30902  
OAH No. L-2001120226

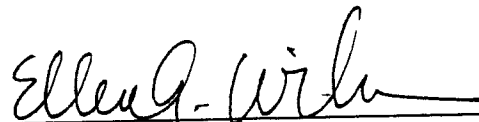
**DECISION**

The attached Stipulation to Surrender License and Order is hereby adopted by the  
Physical Therapy Board of California, Department of Consumer Affairs, State of California, as  
its Decision in the above-entitled matter.

This Decision shall become effective on August 28, 2003.

**IT IS SO ORDERED** on July 29, 2003.

PHYSICAL THERAPY BOARD OF  
CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

  
Ellen Wilson, PT, President

1 BILL LOCKYER, Attorney General  
of the State of California  
2 DIANE M. L. TAN, State Bar No. 86571  
Deputy Attorney General  
3 California Department of Justice  
300 South Spring Street, Suite 1702  
4 Los Angeles, California 90013  
Telephone: (213) 897-8764  
5 Facsimile: (213) 897-1071

6 Attorneys for Complainant

7  
8 **BEFORE THE**  
9 **PHYSICAL THERAPY BOARD OF CALIFORNIA**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation and Petition to  
Revoke Probation Against:

13 **SURESH KUMAR AHUJA**  
14 525 East Magnolia Boulevard, #O  
Burbank, California 91501

15 Physical Therapist License No. PT 15596,  
16 Respondent.

Case No. D2-1993-30902

OAH No. L-2001120226

**STIPULATION TO  
SURRENDER LICENSE  
AND ORDER**

17  
18 **IT IS HEREBY STIPULATED AND AGREED** by and between the parties in  
19 the above-entitled proceedings that the following matters are true:  
20

21 **PARTIES**

22 1. Complainant, Steven K. Hartzell, is the Executive Officer of the Physical  
23 Therapy Board of California, and has brought this action solely in his official capacity.  
24 Complainant is represented in this matter by Bill Lockyer, Attorney General of the State of  
25 California, by Diane M. L. Tan, Deputy Attorney General.

26 2. Respondent, Suresh Kumar Ahuja ("respondent"), is represented in this  
27 matter by Simon Robert Hiller, Attorney at Law, whose address is as follows: Law Offices of  
28 Simon Robert Hiller, 6255 Sunset Boulevard, Suite 1021, Los Angeles, California 90028.

3. On January 24, 1989, the Physical Therapy Examining Committee (which is now known as the Physical Therapy Board of California and hereinafter referred to as “the Board”) issued Physical Therapist License No. PT 15596 to Suresh Kumar Ahuja. At all times relevant to the charges brought herein, respondent’s physical therapist license has been valid and subject to disciplinary action pursuant to the Board’s Decision in Case No. D1-93-30902. Presently, respondent is on probation for a period of seven years and required to comply with various terms and conditions. Respondent’s physical therapist license will expire on March 31, 2004, unless such license is renewed.

## JURISDICTION

4. The Accusation and Petition to Revoke Probation in Case No. D2-1993-30902, was filed with the Physical Therapy Board of California, Department of Consumer Affairs, State of California, on August 22, 2001. Currently, this matter against respondent is pending. The Accusation and Petition to Revoke Probation and all other statutorily required documents were duly served on respondent on August 22, 2001. On or about September 6, 2001, respondent filed a Notice of Defense to contest the Accusation and Petition to Revoke Probation. A copy of the Accusation and Petition to Revoke Probation is attached as "Exhibit 1" and incorporated herein by reference.

5. Disciplinary action that has been taken against respondent by the Board includes the following:

A. On March 6, 1995, an Accusation against respondent was filed with the Board in Case No. 1D-93-30902. In that Accusation, respondent was charged with having a conviction of the crime of sexual battery; committing acts of sexual misconduct and abuse by sexually abusing and exploiting female patients; gross negligence; and commission of fraudulent, dishonest or corrupt acts.

B. In the disciplinary proceedings in Case No. 1D-93-30902, the Board adopted the Stipulated Settlement and Order that was executed by the parties as its decision in that matter on March 1, 1996. That decision became

1 effective on March 31, 1996.

2 C. In that Stipulated Settlement and Order in Case No. 1D-93-  
3 30902, respondent admitted that he was convicted of the crime of sexual battery,  
4 which is substantially related to the qualifications, functions or duties of a  
5 physical therapist; that he engaged in unprofessional conduct with a patient of a  
6 sexual nature; that he improperly used the name of "Sean King"; and that he failed  
7 to maintain sufficient records regarding his patients as alleged in the Accusation  
8 in that matter. Respondent also agreed that such unprofessional conduct  
9 constitutes sufficient cause for the Board to subject him to disciplinary action and  
10 to order that his physical therapist license be revoked.

11 D. Pursuant to the Board's Decision in Case No. 1D-93-  
12 30902, respondent's license as a physical therapist was ordered revoked.  
13 However, the order of revocation was stayed and respondent was placed on  
14 probation for a period of seven (7) years from the effective date of the Board's  
15 Decision and required to comply with certain terms and conditions, including  
16 ninety (90) days of actual suspension from the practice of physical therapy.

17 E. On May 2, 1997, an Accusation and Petition to Revoke  
18 Probation against respondent was filed with the Board in Case No. D1-93-30902.

19 F. On December 18, 1997, an Amended Accusation and  
20 Petition to Revoke Probation against respondent was filed with the Board in Case  
21 No. D1-93-30902. Respondent was charged with failing to comply with over ten  
22 (10) probation conditions and engaging in various unprofessional conduct.

23 G. On May 28, 1998, the Board adopted the Proposed  
24 Decision of Administrative Law Judge Samuel D. Reyes as its decision in Case  
25 No. D1-93-30902. In those disciplinary proceedings in Case No. D1-93-30902,  
26 the judge found that cause for discipline existed based upon respondent's failure  
27 to notify the Board of changes of address in a timely manner and failure to  
28 comply with ten probation conditions, and that causes existed for revocation of

1 respondent's physical therapist license.

2 H. Pursuant to the Board's Decision in Case No. D1-93-  
3 30902, which became effective on June 29, 1998, and modified the Board's prior  
4 decision that became effective on March 31, 1996, in Case No. 1D-93-30902 ,  
5 respondent's license as a physical therapist was ordered revoked. However, the  
6 revocation was stayed and respondent was placed on probation for a period of  
7 seven (7) years under certain terms and conditions. A copy of the Board's  
8 Decision in Case No. D1-93-30902 is attached as "Exhibit 2" and incorporated  
9 herein by reference.

#### 10 ADVISEMENT AND WAIVERS

11 6. Respondent has carefully read and understands the charges and allegations  
12 in the Accusation and Petition to Revoke Probation in Case No. D2-1993-30902 and the effects  
13 of this Stipulation to Surrender License and Order.

14 7. Respondent is fully aware of his legal rights in this matter, including the  
15 right to a hearing on the charges and allegations that are set forth in the Accusation and Petition  
16 to Revoke Probation; the right to consult with and be represented by counsel at his own expense;  
17 the right to confront and cross-examine the witnesses testifying against him; the right to present  
18 evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the  
19 attendance of witnesses and the production of documents and other things in his defense and as  
20 proof of mitigation; the right to reconsideration and court review of an adverse decision; and all  
21 other rights accorded by the California Administrative Procedure Act (Gov. Code, §§ 11340 et  
22 seq., 11370 et seq., 11400 et seq., and 11500 et seq.) and other applicable laws.

23 8. Respondent voluntarily, knowingly and intelligently waives and gives up  
24 each and every right as stated above.

#### 25 ADMISSIONS

26 9. Respondent understands that the charges and allegations in the Accusation  
27 and Petition to Revoke Probation in the present case constitute causes for imposing discipline  
28 upon his physical therapist license.

1                   10. In the event that respondent seeks relicensure or reinstatement of his  
2 license as a physical therapist in the State of California, respondent will admit that he violated  
3 Probation Conditions D [Monitoring of Practice], H [Education Courses], O [Cost Recovery], Q  
4 [Quarterly Reports], R [Surveillance Program], S [Interview with the Board or Its Designee], and  
5 P [Obey All Laws] by not timely and fully complying with those probation conditions. He also  
6 will agree that such conduct constitute causes for discipline.

7                   11. In order to resolve this matter without the necessity of a costly and  
8 protracted hearing, respondent agrees to surrender his Physical Therapist License No. PT 15596  
9 for the Board's formal acceptance and to be bound by the Board's Order as set forth below.

10                                   **EFFECTS OF SURRENDER**

11                   12. Respondent understands that by signing this stipulation he enables the  
12 Board to issue its order accepting the surrender of his Physical Therapist's License without  
13 further process.

14                   13. Upon acceptance of the stipulation by the Board, respondent understands  
15 that he will no longer be permitted to practice as a physical therapist in California, and also  
16 agrees to surrender and cause to be delivered to the Board his license, including his wall  
17 certificate and wallet card, before the effective date of the Board's Decision in this matter.

18                   14. Respondent fully understands and agrees that if he ever files an application  
19 for relicensure or reinstatement of his license as a physical therapist in the State of California, the  
20 Board shall treat it as a petition for reinstatement of a revoked license. Respondent must comply  
21 with all the laws, regulations and procedures for reinstatement of a revoked license in effect at  
22 the time the application for relicensure or reinstatement is filed. In the event that respondent  
23 seeks reinstatement of his license to practice physical therapy in California, his admissions as set  
24 forth in Paragraph 10 of this Stipulation to Surrender License and Order shall be deemed to be  
25 true and correct when the Board determines whether to grant or deny the petition for  
26 reinstatement of his physical therapist's license.

27                   15. Respondent also agrees to reimburse the Physical Therapy Board of  
28 California the amount of Ten Thousand Dollars (\$10,000.00) for the costs of the prosecution of

1 the above-entitled matter. In the event that respondent pays the Board Five Thousand Dollars  
2 (\$5,000.00) for the prosecution costs in this matter within ninety (90) days from the effective  
3 date of the Board's Decision in this matter, such payment shall be considered as payment in full  
4 of the prosecution costs in this matter. If respondent does not pay the amount of Five Thousand  
5 Dollars (\$5,000.00) within the time period specified herein, respondent shall be required to  
6 reimburse the Board the total amount of Ten Thousand Dollars (\$10,000.00) for the costs of the  
7 prosecution of this matter within one hundred twenty days (120) from the effective date of the  
8 Board's Decision in this matter.

9 This requirement that respondent pay these costs is not tolled by his practice or  
10 residency outside of California.

11 The filing of bankruptcy by respondent shall not relieve respondent of his  
12 responsibility to reimburse the Board for these prosecution costs. Respondent's license as a  
13 physical therapist shall not be reinstated or reissued unless such costs are paid in full. The Board  
14 may seek appropriate relief regarding any non-payment by respondent of these costs.

#### 15 CONTINGENCY

16 16. This Stipulation to Surrender License and Order shall be subject to the  
17 approval of the Board. Respondent understands and agrees that the Physical Therapy Board of  
18 California's staff and counsel for Complainant may communicate directly with the Board  
19 regarding this stipulation and settlement, without notice to or participation by respondent or his  
20 counsel. If the Board does not adopt this stipulation as its Decision in this matter, except for this  
21 paragraph, the Stipulation for Surrender of License and Order shall have no force or effect, it  
22 shall be inadmissible in any legal action between the parties, and the Board's consideration of  
23 this stipulation and settlement shall not disqualify the Board from taking any further action in  
24 this matter.

25 17. The parties agree that facsimile copies of this Stipulation to Surrender  
26 License and Order, including facsimile signatures contained therein, shall have the same force  
27 and effect as the original Stipulation to Surrender License and Order and signatures in the  
28 stipulation.

1                   18. For the purpose of resolving this matter and in consideration of the  
2 foregoing admissions and stipulations, the parties agree that the Board shall, without further  
3 notice or formal proceeding, issue and enter the following Order:  
4

5   **ORDER**

6                   **IT IS HEREBY ORDERED** that the surrender of Physical Therapist License  
7 No. PT 15596, including, but not limited to, the wall certificate and wallet card issued to  
8 Respondent Suresh Kumar Ahuja, are accepted by the Physical Therapy Board of California.

9                   **IT IS ALSO ORDERED** that respondent shall reimburse the Physical Therapy  
10 Board of California the amount of Ten Thousand Dollars (\$10,000.00) for the costs of the  
11 prosecution of the above-entitled matter. In the event that respondent pays the Board Five  
12 Thousand Dollars (\$5,000.00) for the prosecution costs in this matter within ninety (90) days  
13 from the effective date of the Board's Decision in this matter, such payment shall be considered  
14 as payment in full of the prosecution costs in this matter. If respondent does not pay the amount  
15 of Five Thousand Dollars (\$5,000.00) within the time period specified herein, respondent shall  
16 be required to reimburse the Board the total amount of Ten Thousand Dollars (\$10,000.00) for  
17 the costs of the prosecution of this matter within one hundred twenty days (120) from the  
18 effective date of the Board's Decision in this matter.

19                   This requirement that respondent pay these costs is not tolled by his practice or  
20 residency outside of California.

21                   The filing of bankruptcy by respondent shall not relieve respondent of his  
22 responsibility to reimburse the Board for these prosecution costs. Respondent's license as a  
23 physical therapist shall not be reinstated or reissued unless such costs are paid in full. The Board  
24 may seek appropriate relief regarding any non-payment by respondent of these costs.

25                   **IT IS FURTHER ORDERED** that respondent shall comply with all of the  
26 requirements set forth in the Stipulation to Surrender License and any other applicable  
27 requirements for reinstatement of a revoked license in the event that he seeks relicensure or  
28 reinstatement of his physical therapist license in the State of California.



**ACCEPTANCE**

I, Suresh Kumar Ahuja, have carefully and fully read the above Stipulation to Surrender License and Order. I have fully discussed the terms and conditions and other matters contained in this Stipulation to Surrender License and Order with my attorney, Simon Robert Hiller. I fully understand and agree to all of the terms and conditions set forth in this Stipulation to Surrender License and Order.

I hereby freely and voluntarily sign this stipulation with the full understanding and knowledge of its force and effect. I agree to surrender and deliver to the Physical Therapy Board of California prior to the effective date of the Board's Decision in this matter my Physical Therapist License No. PT 15596, including the wall certificate and wallet card, issued to me by the Board for the Board's formal acceptance.

I also agree to reimburse the Physical Therapy Board of California the amount of Ten Thousand Dollars (\$10,000.00) for the costs of the prosecution of the above-entitled matter. In the event that I pay the Board Five Thousand Dollars (\$5,000.00) for the prosecution costs in this matter within ninety (90) days from the effective date of the Board's Decision in this matter, such payment shall be considered as payment in full of the prosecution costs in this matter. If I do not pay the amount of Five Thousand Dollars (\$5,000.00) within the time period specified herein, I am required to reimburse the Board the total amount of Ten Thousand Dollars (\$10,000.00) for the costs of the prosecution of this matter within one hundred twenty days (120) from the effective date of the Board's Decision in this matter.

The requirement that I pay these costs is not tolled by my practice or residency outside of California.

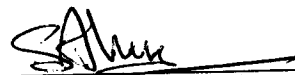
I agree that the filing of bankruptcy will not relieve me of my responsibility to reimburse the Board for these prosecution costs, that my license as a physical therapist shall not be reinstated or reissued unless such costs are paid in full, and that the Board may seek appropriate relief regarding any non-payment of these costs.

By signing this Stipulation to Surrender License and Order, I recognize that upon its formal acceptance by the Board, I will lose all rights and privileges to practice physical

1 therapy in the State of California. I hereby freely, voluntarily, intelligently and knowingly agree  
2 to be bound by this Stipulation to Surrender License and Order.

3 I further agree that a facsimile copy of this Stipulation to Surrender License and  
4 Order, including facsimile copies of the signatures in this stipulation, may be used with the same  
5 force and effect as the original of this Stipulation to Surrender License and Order.

6 DATED: Feb. 13, 2003.


7  
8   
9 SURESH KUMAR AHUJA  
Respondent

10 **CONCURRENCE**

11 I have read and fully discussed with Respondent Suresh Kumar Ahuja, the terms  
12 and conditions and other matters contained in the above Stipulation to Surrender License and  
13 Order. I approve the form and content of the Stipulation to Surrender License and Order.

14 DATED: 2-13-03.

15 LAW OFFICES OF SIMON ROBERT HILLER

16  
17   
18 SIMON ROBERT HILLER  
Attorney at Law  
Attorneys for Respondent

19  
20 **ENDORSEMENT**

21 The foregoing Stipulation to Surrender License and Order is hereby respectfully  
22 submitted for consideration by the Physical Therapy Board of California, Department of  
23 Consumer Affairs, State of California.

24 DATED: May 19, 2003.

25 BILL LOCKYER, Attorney General  
of the State of California

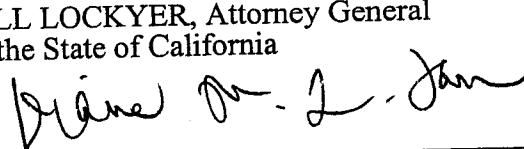
26   
27 DIANE M. L. TAN  
Deputy Attorney General  
Attorneys for Complainant  
28

Exhibit 1  
Accusation and Petition to Revoke  
Probation  
Case No. D2-1993-30902

1 BILL LOCKYER, Attorney General  
of the State of California  
2 DIANE M. L. TAN, State Bar No. 86571  
Deputy Attorney General  
3 California Department of Justice  
300 South Spring Street, Suite 1702  
4 Los Angeles, California 90013  
Telephone: (213) 897-8764  
5 Facsimile: (213) 897-1071

6 Attorneys for Complainant

7  
8 **BEFORE THE**  
9 **PHYSICAL THERAPY BOARD OF CALIFORNIA**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation and Petition to  
Revoke Probation Against:

13 **SURESH KUMAR AHUJA**  
14 525 East Magnolia Boulevard, #T  
Burbank, California 91501

15 Physical Therapist License No. PT 15596,  
16 Respondent.

Case No. D2-1993-30902

**ACCUSATION AND  
PETITION TO REVOKE  
PROBATION**

17  
18  
19 Complainant, Steven K. Hartzell, Executive Officer of the Physical Therapy  
20 Board of California, Department of Consumer Affairs, State of California, as causes for  
21 revocation of probation and disciplinary action, alleges as follows:

22 **PARTIES**

23 1. Complainant brings this Accusation and Petition to Revoke Probation  
24 solely in his official capacity as the Executive Officer of the Physical Therapy Board of  
25 California, Department of Consumer Affairs, State of California.

26 2. On or about January 24, 1989, Physical Therapist License No. PT 15596  
27 was issued by the Physical Therapy Examining Committee (now known as the Physical Therapy  
28 Board of California and hereinafter referred to as "the Board") to Suresh Kumar Ahuja

1 ("respondent"). At all times relevant to the charges brought herein, respondent's physical  
2 therapist license has been valid and subject to disciplinary action. Pursuant to the Board's  
3 Decision in Case No. D1-93-30902, respondent is on probation for a period of seven years and  
4 required to comply with various terms and conditions. Unless respondent's physical therapist  
5 license is renewed, that license will expire on March 31, 2002.

6 3. Disciplinary action that has been taken against respondent by the Board  
7 includes the following:

8 A. On or about March 6, 1995, an Accusation against  
9 respondent was filed with the Board in Case No. 1D-93-30902. In that  
10 Accusation, respondent was charged with having a conviction of the crime of  
11 sexual battery; committing acts of sexual misconduct and abuse by sexually  
12 abusing and exploiting female patients; gross negligence; and commission of  
13 fraudulent, dishonest or corrupt acts.

14 B. In the disciplinary proceedings in Case No. 1D-93-30902, the  
15 Board adopted the Stipulated Settlement and Order that was executed by the parties as its  
16 decision in that matter on or about March 1, 1996. That decision became effective on or  
17 about March 31, 1996.

18 C. In that Stipulated Settlement and Order, respondent admitted that  
19 he was convicted of the crime of sexual battery, which is substantially related to the  
20 qualifications, functions or duties of a physical therapist; that he engaged in  
21 unprofessional conduct with a patient of a sexual nature; that he improperly used the  
22 name of "Sean King"; and that he failed to maintain sufficient records regarding his  
23 patients as alleged in the Accusation in Case No. 1D-93-30902. Respondent also agreed  
24 that such unprofessional conduct constitutes sufficient cause for the Board to subject him  
25 to disciplinary action and to order that his physical therapist license be revoked.

26 D. Pursuant to the Board's Decision in Case No. 1D-93-30902,  
27 respondent's license as a physical therapist was ordered revoked. However, the order of  
28 revocation was stayed and respondent was placed on probation for a period of seven (7)

1 years from the effective date of the Board's Decision and required to comply with certain  
2 terms and conditions, including being suspended for ninety (90) days from the practice of  
3 physical therapy.

4 E. On or about May 2, 1997, an Accusation and Petition to Revoke  
5 Probation against respondent was filed with the Board in Case No. D1-93-30902.

6 F. On or about December 18, 1997, an Amended Accusation and  
7 Petition to Revoke Probation against respondent was filed with the Board in Case No.  
8 D1-93-30902. Respondent was charged with failing to comply with over ten (10)  
9 probation conditions and engaging in various unprofessional conduct.

10 G. On or about May 28, 1998, the Board adopted the Proposed  
11 Decision of Administrative Law Judge Samuel D. Reyes as its decision in Case No. D1-  
12 93-30902. In those disciplinary proceedings in Case No. D1-93-30902, the judge found  
13 that cause for discipline existed based upon respondent's failure to notify the Board of  
14 changes of his address in a timely manner in violation of section 1398.6 of the California  
15 Code of Regulations, title 16, and that causes existed for revocation of respondent's  
16 physical therapist license. The causes for revocation included respondent's violation of  
17 the following ten (10) probation conditions:

18 (1) Failure to timely complete a course in ethics as required under  
19 Probation Condition "G"; (2) failure to complete an educational program or courses  
20 related to the prevention of harassment, misconduct and/or sexual abuse as required under  
21 Probation Condition "H"; (3) failure to complete a community service program as  
22 required under Probation Condition "I"; (4) failure to make timely reimbursement of the  
23 Board's costs as required under Probation Condition "O"; (5) failure to file quarterly  
24 reports after February 1997 as required under Probation Condition "Q"; (6) failure to  
25 timely report address changes to his probation surveillance monitor and to report for one  
26 scheduled meeting as required under Probation Condition "R"; (7) failure to report for  
27 one scheduled meeting as required under Probation Condition "S"; (8) failure to submit  
28 the name of a practice monitor for the Board's prior approval as required under Probation

1 Condition "D"; (9) failure to submit to the Board for its prior approval, the name of third  
2 parties who could be present during respondent's examination or treatment of female  
3 patients as required under Probation Condition "F"; and (10) failure to obey all rules and  
4 regulations governing the practice of physical therapy in California by not notifying the  
5 Board of changes of his address in a timely manner as required under Probation  
6 Condition "P".

7 H. Pursuant to the Board's Decision in Case No. D1-93-30902, which  
8 became effective on or about June 29, 1998, and modified the Board's prior decision that  
9 became effective on March 31, 1996, in Case No. 1D-93-30902, respondent's license as  
10 a physical therapist was ordered revoked. However, the revocation was stayed and  
11 respondent was placed on probation for a period of seven (7) years under certain terms  
12 and conditions.

### 13 JURISDICTION

14 4. This Accusation and Petition to Revoke Probation is brought before the  
15 Physical Therapy Board of California under the authority of the following sections of the  
16 Business and Professions Code ("hereinafter referred to as "the Code"), other applicable laws and  
17 regulations, and probation conditions:

18 A. Section 2609 and 2660 of the Code authorize the Board to  
19 suspend for not more than 12 months, revoke or impose probationary conditions  
20 upon a license, certificate or approval issued by the Board to practice physical  
21 therapy, after a hearing as provided under sections 2608 and 2614 of the Code or a  
22 default because of a violation or violations of any of the provisions of the Physical  
23 Therapy Practice Act (Bus. & Prof. Code, § 2600 et seq.), the regulations relating  
24 to the practice of physical therapy (Cal. Code of Regs., tit. 16, § 1398 et seq.), or  
25 other applicable laws and regulations.

26 B. Section 2660 of the Code provides that "[t]he board may,  
27 after the conduct of appropriate proceedings under the Administrative Procedure  
28 Act, suspend for not more than 12 months, or revoke, or impose probationary

1 conditions upon, or issue subject to terms and conditions any license, or approval  
2 issued under this chapter for any of the following causes:

3 "...

4 "(i) Conviction of a violation of any of the provisions of this  
5 chapter or of the State Medical Practice Act, or violating, or attempting to violate,  
6 directly or indirectly, or assisting in or abetting the violating of, or conspiring to  
7 violate any provision or term of this chapter or of the State Medical Practice  
8 Act. ..

9 "...

10 "(l) The commission of any fraudulent, dishonest, or corrupt act  
11 which is substantially related to the qualifications, functions, or duties of a  
12 physical therapist. . . ."

13 C. Section 2261 of the Code provides as follows:

14 "Knowingly making or signing any certificate or other document  
15 directly or indirectly related to the practice of . . . [physical therapy] which falsely  
16 represents the existence or nonexistence of a state of facts, constitutes  
17 unprofessional conduct."

18 D. Section 1399.20 of the California Code of Regulations, title  
19 16, provides as follows:

20 "For the purposes of denial, suspension or revocation of a license  
21 or approval, pursuant to Division 1.5 (commencing with Section 475) of the code,  
22 a crime or act shall be considered to be substantially related to the qualifications,  
23 functions or duties of a person holding a license or approval under the Physical  
24 Therapy Practice Act if to a substantial degree it evidences present or potential  
25 unfitness of a person to perform the functions authorized by the license or  
26 approval in a manner consistent with the public health, safety or welfare. Such  
27 crimes or acts shall include but not be limited to the following:

28 "(a) Violating or attempting to violate, directly or indirectly, or



1 assisting in or abetting the violation of, or conspiring to violate any provision or  
2 term of the Physical Therapy Act.

3 “(b) Conviction of a crime involving fiscal dishonesty arising  
4 out of or in connection with the practice of physical therapy.

5 “(c) Violating or attempting to violate any provision or term of  
6 the Medical Practice Act.”

7 E. Section 118 of the Code provides, in pertinent part, as  
8 follows:

9 “...

10 “(b) The suspension, expiration, or forfeiture by operation of  
11 law of a license issued by a board in the department, or its suspension, forfeiture,  
12 or cancellation by order of the board or by order of a court of law, or its surrender  
13 without the written consent of the board, shall not, during any period in which it  
14 may be renewed, restored, reissued, or reinstated, deprive the board of its  
15 authority to institute or continue a disciplinary proceeding against the licensee  
16 upon any ground provided by law or to enter an order suspending or revoking the  
17 license or otherwise taking disciplinary action against the licensee on any such  
18 ground.

19 “(c) As used in this section, ‘board’ includes an individual who  
20 is authorized by any provision of this code to issue, suspend, or revoke a license,  
21 and ‘license’ includes ‘certificate,’ ‘registration,’ and ‘permit.’”

22 F. Section 2661.5 of the Code provides, in pertinent part, as  
23 follows:

24 “(a) In any order issued in resolution of a disciplinary  
25 proceeding before the board, the board may request the administrative law judge  
26 to direct any licensee found guilty of unprofessional conduct to pay to the board a  
27 sum not to exceed the actual and reasonable costs of the investigation and  
28 prosecution of the case.

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“... ”

“(c) When the payment directed in an order for payment of costs is not made by the licensee, the board may enforce the order of payment by bringing an action in any appropriate court. This right of enforcement shall be in addition to any other rights the board may have as to any licensee directed to pay costs.

“(d) In any judicial action for the recovery of costs, proof of the board’s decision shall be conclusive proof of the validity of the order of payment and the terms for payment. . . .”

G. Probation Condition “U” of the Board’s Order provides as follows:

“If respondent violates probation in any respect, the Board, after giving respondent notice and the opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed.

“If an accusation or petition to revoke probation is filed against respondent during probation, the Board shall have continuing jurisdiction until the matter is final.

“No petition for modification or termination of probation shall be considered while there is an accusation or petition to revoke probation pending against respondent.”

**CAUSES FOR REVOCATION OF PROBATION**

**(1) Probation Condition “D ” - Monitoring of Practice**

5. Respondent’s probation is subject to revocation for failing to submit to the Physical Therapy Board of California (“the Board”) or its designee within thirty (30) days of the effective date of the Board’s Decision, i.e., by July 29, 1998, or at any time thereafter, for its approval the name and qualifications of one or more California licensed physical therapists whose licenses are valid and clear and have agreed to serve as respondent’s practice monitor in violation of Probation Condition “D” of the Board’s Order as set forth in its Decision.

1 Respondent also has failed to have a Board-approved practice monitor timely submit to the  
2 Board for its approval a practice monitoring plan and written reports or comply with other  
3 requirements under that probation condition.

4 (2) **Probation Condition "H" - Education Courses**

5 6. Respondent's probation is subject to revocation for failing to comply with  
6 the education course requirements in violation of Probation Condition "H" of the Board's Order.  
7 Respondent has failed to submit to the Board or its designee within ninety (90) days of the  
8 effective date of the Board's Decision, i.e., by September 27, 1998, for its approval an  
9 educational program or courses related to the prevention or elimination of sexual harassment,  
10 misconduct and/or abuse which shall not be less than 20 hours during the first year of probation.  
11 He also has failed to provide to the Board or its designee written proof of attendance and  
12 successful completion of any Board-approved course within thirty (30) days of his completion of  
13 each course.

14 (3) **Probation Condition "O" - Cost Recovery**

15 7. Respondent's probation is subject to revocation for failing to timely pay to  
16 the Board the cost recovery in the amount of Four Thousand Five Hundred Thirty-Eight Dollars  
17 and Sixty-Nine Cents (\$4,538.69) according to the payment plan that is set forth under Probation  
18 Condition "O" of the Board's Order. The facts and circumstances regarding these violations are  
19 as follows:

20 A. Under Probation Condition "O" of the Board's Order,  
21 respondent is required to pay to the Board the investigation and prosecution costs  
22 that he still owes from the Board's initial Order in Case No. 1D-93-30902, that  
23 became effective on March 31, 1996, in quarterly payments of \$200.00 each until  
24 such cost recovery in the amount of Two Thousand Four Hundred Six Dollars and  
25 Twenty-Five Cents (\$2,406.25) is paid in full. The quarterly payments were to  
26 commence around September 1998.

27 B. Under Probation Condition "O" of the Board's Order,  
28 respondent also is required to pay to the Board the investigation and prosecution

1 costs in the Matter of the Accusation and Petition to Revoke Probation against  
2 respondent in Case No. D1-93-30902, in the amount of Two Thousand One  
3 Hundred Thirty-Two Dollars and Forty-Four Cents (\$2,132.44), pursuant to the  
4 Board's Order that became effective on June 29, 1998, and to pay that amount in  
5 quarterly payments of \$150.00 each until such cost recovery is paid in full. Those  
6 quarterly payments were to commence around September 1998.

7 C. Since approximately December 1998, the Board has  
8 received from respondent the following cost recovery payments:

- 9 (1) Check No. 951 for \$350.00 received around December  
10 1998;
- 11 (2) Check No. 674 for \$350.00 received around April 1999;
- 12 (3) Check No. 957 for \$350.00 received around October 1999;
- 13 (4) Check No. 963 for \$350.00 received around March 2000;
- 14 (5) Check No. 991 for \$1,050.00 received around March 2001.

15 D. Respondent has repeatedly failed to timely make the required  
16 quarterly payments and has not made any further quarterly payments since about  
17 March 2001 in violation of this probation condition.

18 (4) **Probation Condition "Q" - Quarterly Reports**

19 8. Respondent's probation is subject to revocation for failing to timely  
20 submit quarterly reports of compliance and making false statements on his quarterly reports in  
21 violation of Probation Condition "Q" of the Board's Order. The facts and circumstances  
22 regarding such violations are as follows:

23 A. Respondent has completed and signed under penalty of  
24 perjury at least four quarterly reports (i.e., November 17, 1998, April 14, 1999,  
25 September 13, 1999, and March 15, 2000) in which he has repeatedly responded  
26 "Yes" to Question "(c)" regarding whether since the last quarterly report, he has  
27 complied with every condition of the terms of probation. Such statements are  
28 false since respondent has repeatedly failed to comply with several probation

1 conditions as alleged in Paragraphs 5 through 11 of this Accusation and Petition  
2 to Revoke Probation, which are incorporated herein by reference.

3 B. Respondent has failed to file quarterly reports after March  
4 2000 and quarterly reports that were required to be submitted prior thereto in  
5 violation of that probation condition.

6 (5) **Probation Condition "R" - Surveillance Program**

7 9. Respondent's probation is subject to revocation for failing to comply with  
8 the Board's probation surveillance program, to report to the assigned investigative district office  
9 or its designee, or to notify the Board and his probation surveillance monitor within fifteen (15)  
10 days of any changes in his address of business and/or residence in violation of Probation  
11 Condition "R" of the Board's Order. The facts and circumstances regarding such violations are  
12 as follows:

13 A. On or about November 17, 1998, respondent informed his  
14 probation surveillance monitor at a scheduled probation monitoring appointment that he  
15 was still living at 14014 Panay Way, #284, Marina Del Rey, CA 90292, and that his  
16 telephone number was (310) 578-1102. On that day, he also noted that address as his  
17 residential address on his quarterly report of compliance.

18 B. On or about August 17, 1999, a letter was sent to  
19 respondent at his Marina Del Rey address requesting him to appear for a  
20 probation monitoring appointment on August 23, 1999, and to provide a letter that  
21 sets forth various requested information regarding his community service at the  
22 Sikh Temple of Los Angeles. Respondent failed to appear for that scheduled  
23 probation monitoring appointment. Thereafter, respondent contacted the Division  
24 of Investigation to reschedule his probation monitoring appointment. That  
25 appointment was rescheduled to September 13, 1999.

26 C. On or about September 13, 1999, respondent informed his  
27 probation surveillance monitor at that scheduled probation monitoring  
28 appointment that he was still living at the same address in Marina Del Rey and

1 that his telephone number was still the same. On that day, he also noted that  
2 address as his residential address on his quarterly report of compliance.

3 D. On or about November 4, 1999, a letter was sent to respondent  
4 requesting him to appear for a probation monitoring appointment on November 10, 1999.  
5 Respondent failed to appear for that scheduled probation monitoring appointment or to  
6 contact his probation surveillance monitor about rescheduling that appointment.

7 E. On or about March 15, 2000, respondent informed his  
8 probation surveillance monitor at a probation monitoring interview that he was  
9 still living at the same address in Marina Del Rey; that he may be moving in about  
10 a week and will provide his new address when he mails the second check for  
11 \$350.00; and that he probably will retain the same telephone number. On that  
12 day, he also noted "2860 East Colorado Boulevard, Pasadena, California 91107,"  
13 as his residential address and "1-800-574-6332" as his phone number on his  
14 quarterly report of compliance.

15 Prior to that date, the Board was notified by respondent on or about  
16 February 8, 2000, regarding that Pasadena address and provided (310) 702-0604  
17 as his telephone number. On respondent's cost recovery payment check  
18 dated March 15, 2000, that check indicates his Marina Del Rey address as his  
19 address.

20 F. Since about May 2000, respondent has failed to schedule or  
21 appear for any probation monitoring appointments with any of his probation  
22 surveillance monitors despite written and telephonic requests to respondent  
23 regarding such interviews.

24 G. Respondent has failed to timely notify in writing his  
25 probation surveillance monitors of all changes of his address of business and/or  
26 residence and changes of his telephone number or to inform them as to which one  
27 of his addresses is his address of business, residence and/or primarily an address  
28 for mailing purposes as well as his current telephone number.

1 (6) **Probation Condition "S" - Interview with the Board or Its**  
2 **Designee**

3 10. Respondent's probation is subject to revocation for failing to appear in  
4 person for his probation surveillance monitoring appointments in violation of Probation  
5 Condition "S" of the Board's Order. Such violations are based upon the facts and circumstances  
6 as alleged in Paragraph 9 of this Accusation and Petition to Revoke Probation, which is  
7 incorporated herein by reference.

8 (7) **Probation Condition "P" - Obey All Laws**

9 11. Respondent's probation is subject to revocation because he has failed to  
10 obey all laws, rules and regulations governing the practice of physical therapy by failing to  
11 comply with several of his probation conditions as set forth above in Paragraphs 5 through 10 of  
12 this Accusation and Petition to Revoke Probation, which are incorporated herein by reference,  
13 and committing other acts in violation of Probation Condition "P" of the Board's Order.

14 **ACCUSATION**

15 12. Sections 2609 and 2660 of the Code provide that the Board may suspend,  
16 revoke, or impose probationary conditions upon the license of a physical therapist who has  
17 violated or attempted to violate, directly or indirectly, any provision or term of the Physical  
18 Therapy Practice Act (Bus. & Prof. Code, § 2600 et seq.); committed any fraudulent, dishonest,  
19 or corrupt act which is substantially related to the qualifications, functions, or duties of a physical  
20 therapist; or committed any other prohibited acts.

21 **CAUSES FOR DISCIPLINARY ACTION**

22 **FIRST CAUSE FOR DISCIPLINE**

23 (Commission of Fraudulent, Dishonest or Corrupt Acts)

24 13. Respondent Suresh Kumar Ahuja is subject to disciplinary action for  
25 submitting quarterly compliance reports that contain false statements in violation of section  
26 2660, subdivision (l) of the Code. Such violations are based upon the facts and circumstances as  
27 alleged in Paragraph 8 of this Accusation and Petition to Revoke Probation, which is  
28 incorporated herein by reference.





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3. Taking such other and further action as the Board deems necessary and proper.

DATED: August 22, 01.



STEVEN K. HARTZELL  
Executive Officer  
Physical Therapy Board of California  
Department of Consumer Affairs  
State of California

Complainant

03575160-LA2000AD2021

03575160-LA2000AD2021  
RECEIVED  
JUL 27 2001  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

Exhibit 2

Physical Therapy Board's Decision  
Case No. D1 93 30902

10 June

BEFORE THE  
BOARD OF PHYSICAL THERAPY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the )  
Accusation and Petition to )  
Revoke Probation Against: )  
SURESH KUMAR AHUJA )  
11921 Kiowa Avenue Apt 3 )  
Los Angeles CA 90049 )  
Physical Therapist )  
License No. PT 15596, )  
Respondent. )

Case No D1 93 30902

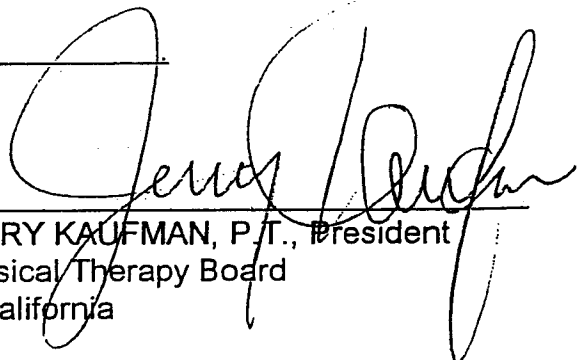
L-1997060483

DECISION

The attached Proposed Decision of the Administrative Law Judge is hereby adopted by the Physical Therapy Board of California as its decision in the above-entitled matter.

This Decision shall become effective June 29, 1998

IT IS SO ORDERED May 28, 1998

By:   
JERRY KAUFMAN, P.T., President  
Physical Therapy Board  
of California

ED  
2/10/98

12:15

BEFORE THE  
PHYSICAL THERAPY BOARD  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the	)	
Accusation and Petition to	)	Case No. D1 93 30902
Revoke Probation Against:	)	
	)	OAH Case No. L-1997060483
SURESH KUMAR AHUJA	)	
11921 Kiowa Avenue, Apt. 3	)	
Los Angeles, CA 90049	)	
	)	
Physical Therapist	)	
License No. PT 15596	)	
	)	
Respondent.	)	

PROPOSED DECISION

This matter was consolidated for hearing with Case No. D-1A-93-27766, OAH No. L-1997120254, before the Acupuncture Committee ("Committee"), Department of Consumer Affairs, State of California, and was heard by Samuel D. Reyes, Administrative Law Judge, Office of Administrative Hearings, on December 22 and 23, 1997, in Los Angeles, California.

Diane M.L. Tan, Deputy Attorney General, represented Steven K. Hartzel ("complainant"), Executive Officer of the Physical Therapy Board, Department of Consumer Affairs, State of California ("Board").

Richard Tanzer, Attorney at Law, represented respondent.

Oral and documentary evidence, and evidence by oral stipulation on the record, was received at the hearing. The record was left open for the filing of briefs. Complainant's opening brief, marked for identification as Exhibit 16 was received on January 16, 1998. Respondent's brief, marked for identification as Exhibit J, was received on February 6, 1998. Complainant's reply brief, marked for identification as Exhibit 17, was received on February 13, 1998. The matter was submitted for decision on February 13, 1998. The Administrative Law Judge makes the following findings of fact:

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The Board acquired its present name in 1996. Previously, it was known as the Physical Therapy Examining Committee. In order to distinguish the Board from the Acupuncture Committee, the former will be identified as the Board even when reference is made to a period prior to 1996.

### FINDINGS OF FACT

1. Complainant filed the Amended Accusation and Petition to Revoke Probation in his official capacity.

2. Respondent was born in India, where he lived until 1977. He worked as a physical therapist in Norway without discipline until his move to California in 1985. Once in the State, respondent enrolled in Samra University of Oriental Medicine, completing his education in Acupuncture in 1988.

3. The Committee issued license number AC 3197 to respondent on August 25, 1988, which license expires March 31, 1998.

4. The Board issued Physical Therapist license number PT-15596 to respondent on January 24, 1989.

5. On December 11, 1995, respondent, acting in propria persona, signed two Stipulated Settlement and Orders ("Stipulations" or "Orders"), one with the Board and one with the Committee. On March 1, 1996, the Board and the Committee adopted their respective Stipulated Orders as their Decisions in then-pending disciplinary matters. The Board's Decision became effective March 31, 1996, and the Committee's became effective April 1, 1996.

6. The Accusations which were the subject of the Stipulations involved essentially the same alleged underlying conduct as the basis for discipline, namely, acts of sexual misconduct, a criminal conviction, and the improper use of an alias; the Board's accusation also cited the alleged failure to maintain adequate records. Specifically, it was alleged that respondent made comments of a sexual nature and inappropriately touched one patient in 1990 and that he used the name "Sean King" in connection with his treatment of the patient; it was also alleged that he was convicted in 1993 of one count of sexual battery involving a woman employed in his home.

7. Respondent made the following admissions in the Stipulations: he was convicted of the crime of sexual battery which is substantially related to the qualifications, functions or duties of an acupuncturist and of a physical therapist; he engaged in unprofessional conduct of a sexual nature with a patient; he improperly used the name "Sean King"; he failed to maintain sufficient records regarding his patients, as alleged in the Board's accusation; his conduct constitutes cause for discipline.

8. The Stipulations contained nearly identical provisions. Essentially, the licenses were revoked, which revocations were stayed, and the licenses were placed on probation for seven years on the following terms and conditions: actual

suspension for ninety days (condition "A"); Board-/Committee-approved independent psychological evaluation prior to the resumption of practice ("B"); psychotherapy if required by the Board/Committee, in which case respondent was required to submit the name of a therapist for approval ("C"); practice monitoring ("D"); restrictions against solo practice, home care, and registry work ("E"); third party presence during the treatment or examination of female patients ("F"); completion of an approved ethics course during the first year of probation ("G"); completion of twenty hours of educational coursework in the area of prevention of sexual harassment, misconduct, and/or abuse ("H"); performance of approved community service ("I"); prohibition against use of "Sean King" or any other alias ("J"); notification of discipline to all employers ("K"); notification to the Board/Committee of changes in employment ("L"); prohibition against employment or supervision of aides, assistants, students, or trainees ("M"); modification or early termination of probation ("N"); payment of costs of investigation and prosecution<sup>2</sup> ("O"); obedience of all laws ("P"); filing of quarterly reports ("Q"); compliance with probation surveillance ("R"); participation in interviews ("S"); tolling of probation during periods of residence or practice outside California ("T"); discipline in the event of violation of probation ("U"); full restoration of the license upon full compliance with probation ("V").

9. Respondent was the only party to the Stipulations to testify regarding the parties' intent at the time of the agreement. He understood that although there were two agreements, he only had to comply with the identical provisions only once. His understanding is corroborated by the parties' conduct subsequent to the execution of the Stipulations, as more fully set forth bellow. Essentially, only one of the two regulatory agencies contacted respondent, only one psychologist's name was provided, only one psychological examination was conducted, only one quarterly report was required, and only one cost reimbursement payment was requested. Accordingly, it is concluded that the parties did not intend for respondent to duplicate his compliance efforts.

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<sup>2</sup>The actual language in each document is: "Respondent shall pay the Committee the sum of Seven Thousand Five Hundred Dollars (\$7,500) for its costs of investigation and prosecution of the above-entitled matter. Such amount shall be paid as follows:

Upon the effective date of the Committee's Decision in this matter, Respondent shall pay to the Committee the amount of Five Hundred Dollars (\$500)...." The condition thereafter sets forth a quarterly schedule of payments of \$437.50 each, all to the "Committee."

Nevertheless, the fact that two separate documents were signed indicates that neither the Board nor the Committee relinquished the authority to independently approve the settlement agreement or evaluate compliance efforts in accordance with each agency's specific needs.

10. a. On April 16, 1996, respondent appeared, as requested, at an interview before the Board's designee, Senior Investigator, Division of Investigation, Department of Consumer Affairs, Mike Zauss ("Investigator Zauss"). Investigator Zauss requested the appearance in order to introduce himself as respondent's probation monitor.

b. Investigator Zauss reviewed the terms and conditions of probation and informed respondent about his expectations for compliance. Either at this interview or shortly thereafter, Investigator Zauss informed respondent that the Board had chosen Wesley B. Maram, Ph.D., to conduct the psychological evaluation.

c. At the meeting, respondent provided a check in the amount of \$500 as the initial cost recovery payment and signed all necessary medical releases.

11. Investigator Zauss told respondent that he planned to meet with him on a quarterly basis and that he would confirm the appointments by telephone.

12. Respondent met with Dr. Maram on April 22, 1996. They reviewed the evaluation process and its costs (between \$2,000 and \$2,500). After respondent agreed to proceed, tests were administered and clinical evaluation commenced.

13. Although he attempted in good faith to comply, respondent did not submit, on or before 60 days of the effective date of the Decisions, or June 1, 1996, for the Board's/Committee's prior approval, a course in ethics, as required by condition "G" of the respective Orders.

14. Although he attempted in good faith to comply, respondent did not submit, on or before 90 days of the effective date of the Decisions, or July 1, 1996, for the Board's/Committee's prior approval, an educational program or courses related to the prevention or elimination of sexual harassment, misconduct, and/or abuse, as required by condition "H" of the respective Orders.

15. Although he attempted in good faith to comply, respondent did not submit, on or before 60 days of the effective date of the Decisions, or June 1, 1996, for the Board's/Committee's prior approval, a community program in which respondent planned to perform free services, as required by condition "I" of the respective Orders.

16. Respondent met with Dr. Maram on July 22, 1996, for further evaluation.

17. a. Respondent met with Investigator Zauss on August 7, 1996. As he had previously advised respondent, Investigator Zauss informed respondent by telephone regarding the time and place of the meeting.

b. Investigator Zauss inquired about respondent's compliance with the terms and conditions of probation, taking care to go over the individual terms. Respondent informed him that he was in the process of completing the psychological evaluation and that he expected the written report to be completed within two weeks. Respondent explained that he had been unable to find a course in ethics or a twenty-hour course in the prevention of sexual harassment, misconduct, or abuse. Respondent had not submitted the name of an organization for which to provide the necessary community service because of some confusion regarding qualifying charitable entities.

c. Investigator Zauss encouraged respondent to continue the psychological evaluation process. He also emphasized the time deadlines and informed respondent that he was on the verge of violating probation.

d. Respondent received a quarterly report form and completed it in Investigator Zauss' presence. He also provided a check in the sum of \$437.50.

18. The last meeting with Dr. Maram for the purpose of psychological evaluation took place on September 9, 1996.

19. a. The next meeting between Investigator Zauss and respondent took place on November 19, 1996. As in the two previous instances, Investigator Zauss had chosen the time and place of the meeting and notified respondent telephonically.

b. As of this date, the Board had not received the psychological evaluation. Respondent explained that he had been having monetary problems and that he had been unable to pay Dr. Maram's fee. He again stated he had been unable to find suitable coursework. Respondent had not provided the Board with the name of an agency for completion of the community service requirement.



c. Investigator Zauss gave respondent ten working days to submit the psychological evaluation and the required information regarding the coursework and the community agency.

d. Respondent again completed the quarterly report in Investigator Zauss' presence and paid the quarterly installment of cost reimbursement.

20. a. Between the August and the November probation monitoring meetings, respondent contacted additional educational institutions in the Southern California area, including community college districts as suggested by Investigator Zauss, but was unable to find coursework which would satisfy the conditions of probation.

b. Also during this time, respondent was at a loss regarding where to perform community service since Investigator Zauss had informed him that he could not perform physical therapy services for free.

21. a. Dr. Maram issued his evaluation report on December 29, 1996. Although he could have issued the report sooner, respondent had not been financially able to pay the entire fee before the date of issuance.

b. Respondent had instructed Dr. Maram to provide the report directly to the Board. However, the releases given by respondent to investigator Zauss were never provided to the psychologist.

c. Dr. Maram diagnosed respondent as suffering from Narcissistic Personality Disorder and recommended therapy. He further opined that respondent was mentally fit to practice physical therapy subject to the psychotherapy and practice monitoring requirements of his probation.

22. Respondent changed his telephone number after the November meeting and failed to provide the new number to Investigator Zauss in a timely manner.

23. In the latter part of December 1997, the Board decided to file an accusation and petition to revoke probation and forwarded a request for action to the Attorney General.

24. In January 1997, Investigator Zauss attempted to call respondent at the old telephone number and was unable to reach him. After unsuccessful attempts to contact respondent by telephone, Investigator Zauss went to respondent's last known address on January 22, 1997; he left a business card with the notation "please contact me." He did not attempt to reach respondent by mail.

25. Investigator Zauss did not make any other attempt to reach respondent until July 23, 1997.

26. In early February 1997 respondent mailed a copy of Dr. Maram's report to Investigator Zauss, together with the quarterly report, and the cost recovery check. Investigator Zauss forwarded the items to the Board without reading Dr. Maram's report or the quarterly report.

27. Respondent did not file any additional quarterly reports.

28. a. In each of the three quarterly reports filed by respondent, dated August 7, November 19, 1996, and February 2, 1997, he represented to the Board and to the Committee that he had complied with all terms and conditions of probation. These assertions are incorrect in that, as set forth in finding of fact numbers 13, 14, and 15, he had not complied with three conditions.

b. Respondent attempted to complete the quarterly reports truthfully and in good faith. He believed that he was in compliance based on his understanding of the terms, his efforts to comply, and his discussions with Investigator Zauss. Two of the forms were actually completed in the presence of, and following conversations with, Investigator Zauss.

c. In the existing circumstances, respondent's completion of the quarterly reports does not constitute fraudulent, dishonest, or corrupt conduct.

29. After mailing the documents in February 1997, respondent left the State to visit family in Ohio. He did not intend to establish residence or to practice physical therapy or acupuncture in Ohio. Respondent remained outside California for approximately six weeks. He did not notify the Board, the Committee, or Investigator Zauss of his trip before he left.

30. a. Before March 1997, Investigator Zauss was unaware of the parallel decision by the Committee and respondent did not specifically refer to the Committee.

b. Respondent believed that he was complying with the requirements of both Orders in meeting with Investigator Zauss, the only person who had contacted him about probation.

c. Respondent's belief is reasonable in light of finding of fact number 9 and the identical state agency (Department of Consumer Affairs), Stipulated Settlement and Orders, and terms and conditions of probation.

31. a. Except for pleadings in this matter, the Committee has not formally communicated with respondent regarding compliance with the terms and conditions of probation.

b. Respondent did not formally communicate with the Committee regarding the terms and conditions of probation. He failed to do so because of his belief that Investigator Zauss was monitoring probation on behalf of both regulatory agencies.

32. a. In March 1997, the Committee for the first time formally requested Investigator Zauss to report on respondent's probation compliance.

b. Investigator Zauss did not make any attempt to contact respondent regarding probation obligations to the Committee.

c. Instead, on March 20, 1997, he prepared a report to the Committee based on his experience with respondent up to that date. In brief, Investigator Zauss concluded that respondent was in violation of all of the terms of probation, except for conditions "P" (obey all laws) and "K" (no aliases):

33. On April 2, 1997, after his return from Ohio, respondent called Investigator Zauss. This conversation was brief due to a poor telephonic connection. Respondent asked Investigator Zauss about the next step in probation. Investigator Zauss stated that he had sent Dr. Maram's report to the Board and that respondent would have to wait for the Board's action.

34. On May 2, 1997, the Board filed its Accusation and Petition to revoke Probation. A Notice of Defense was filed on May 21, 1997.

35. In early July 1997, respondent again called Investigator Zauss to ask if the Board would permit him to return to practice. Investigator Zauss informed him that he was no longer his probation monitor and that the matter was now in the Board's hands.

36. However, on July 23, 1997, Investigator Zauss received another formal request from the Board to make contact with respondent. He called the only telephone he had for respondent and was unable to communicate with respondent.

37. In August 1997, respondent was unsure about his licensure status. Although an Accusation and Petition to Revoke Probation had been filed, he did not know if the Board would act on Dr. Maram's report and permit his return to practice. He had apparently given up on finding the requisite course offerings and community service agency.

38. a. Respondent sought answers to his uncertain status from Investigator Zauss. In August 1997 he left a telephonic message for Investigator Zauss. Investigator Zauss returned the call and reached the voice mail of "Dr. Kumar." He recognized the voice as respondent's and left a message.

b. At the hearing, respondent explained that "Kumar" is one of his two last names, hence not an alias, and that he has obtained three doctorate degrees, two in oriental medicine and one in homeopathic medicine, hence the "doctor." Only his friends refer to him as "Dr. Kumar" and he does not practice using such name. The message is only attached to his personal telephone number.

c. It was not established that respondent engaged in the unauthorized practice of medicine or other occupation.

d. It was not established that use of the "Dr. Kumar" moniker, in the existing circumstances, constitutes a fraudulent, dishonest, or corrupt act.

e. Respondent did not use an alias in violation of the orders of probation since he used his own name.

39. Respondent returned Investigator Zauss' call and requested a meeting.

40. a. The meeting requested by respondent took place on August 21, 1997. He asked if the Board had approved his return to practice and explained about his probation compliance efforts. He brought another copy of Dr. Maram's report, the name of an organization for which to perform community service (Sikh Temple), the name of an institution which would provide the ethics course (Samra University of Oriental medicine), and the names of five therapists with whom he could start psychotherapy.

b. Investigator Zauss explained that he was not acting as respondent's probation monitor, since the Board had not requested such a meeting and since he did not have the formal case any longer. He therefore did not accept any of respondent's information regarding compliance with probation. He further explained that the matter was now in the Board's hands because of respondent's prior non-compliance. Respondent was directed to the Attorney General's office for further communications.

c. Zauss did take respondent's new address and phone number.

41. The Committee filed its Accusation and Petition to Revoke Probation on September 2, 1997. A Notice of Defense was filed on September 8, 1997.

42. Following the filing of the second Accusation and Petition to Revoke Probation, respondent made renewed efforts to comply with probation, this time with the assistance of his attorney.

43. a. On September 27, 1997, respondent, through Michelle Parkinson ("Parkinson"), a paralegal working in his attorney's office, sent a letter to Investigator Zauss with respondent's check in the sum of \$875.00 and yet another copy of Dr. Maram's report.

b. Parkinson requested information regarding the amount owed for cost reimbursement and about the next payment due date.

c. Parkinson requested permission for respondent to begin psychotherapy with Dr. Bina Chahal and for respondent to perform community service at The Temple Sikh.

d. She also requested information regarding respondent's compliance with probation.

44. Investigator Zauss forwarded the documents to the Board. He did not reply to any of Parkinson's requests.

45. In October 1997 respondent began providing eight hours per week of community service at the Sikh Temple (Sikh Gurdwara of Los Angeles).

46. a. The Board asked Investigator Zauss to schedule a meeting with respondent in November 1997.

b. He left a message for respondent on November 12, 1997, informing him that a meeting was scheduled for November 18, 1997.

c. Respondent returned the call approximately ten minutes later. Concerned about the status of his licenses in light of the Accusations and Investigator Zauss' statements at the August 21, 1997, meeting, respondent asked for a postponement of the meeting so that he could discuss the matter with his attorney. Investigator Zauss denied the request, noting that respondent was required to meet with him regardless of the pending accusations.

d. Parkinson called Investigator Zauss on November 12, 1997. She sought a postponement of the November 18, 1997, meeting as respondent's attorney was out of town. This request was also denied.

e. Respondent did not appear at the November 18, 1997, meeting.

47. On November 14 or 16, 1997, respondent left his new address and phone number with Investigator Zauss' secretary.

48. On December 15, 1997, respondent completed a 30-hour course in ethics at Samra University of Oriental Medicine.

49. Barbara A. Sziraki, Ph.D., is prepared to provide psychotherapy to respondent if the Board and the Committee approve.

50. Amended Accusations and Petitions to Revoke Probation were filed on or about December 18, 1997.

51. Respondent still has been unable to find a course in the area of the prevention of sexual misconduct or abuse which would meet the probation requirement. Parkinson has assisted him by contacting resources in the legal community, which efforts have been unsuccessful.

52. Respondent has not practiced physical therapy or acupuncture since he signed the Stipulations.

53. In order to make a living, he has performed a number of odd jobs, primarily as a salesman.

54. At least in part because of his inability to obtain regular employment, respondent has had to move residences and to rely on friends for place to live. Thus, he lived at 11921 Kiawa Avenue, number 3, West Los Angeles, until April 1997; this was the address provided to Investigator Zauss on the quarterly reports. He thereafter lived with friends in Malibu Lake (two months) and Santa Monica (three months). In October 1997 he moved to his present address at 11740 Wilshire Boulevard, West Los Angeles, which address he provided to Investigator Zauss.

55. Respondent did not notify the Board of the changes of address set forth in finding of fact number 54, as required by Title 16, California Code of Regulations, section 1398.6.

56. a. It was not established that respondent's cost reimbursement obligation was \$15,000. His obligation was \$7,500, which payment was to be divided between the Board and the Committee.

b. He was current in his payments until February 1997. The custom and practice between respondent and Investigator Zauss was for respondent to make payment during a scheduled quarterly probation monitoring meeting even if such payment was technically a few days late. Since the February quarterly meeting did not take place, respondent mailed the installment on or about the date that it was due in accordance with past practice.

c. Respondent missed quarterly payments in early May and in early August 1997. These payments were made up on or about September 27, 1997, through Parkinson.

d. As of the time of the hearing, respondent had missed the November 1997 payment.

57. a. Respondent has not obtained a practice monitor or arranged for third-party presence during examinations of female patients since he was not practicing physical therapy or acupuncture.

b. He did not submit for the Board's prior approval the name of a practice monitor.

c. He did not submit for the Board's prior approval the name of third parties who could be present during his examination or treatment of female patients.

58. a. The following are the actual costs of the Board's and the Committee's investigation and enforcement of the consolidated matters:

<u>Category</u>	<u>Costs</u>
Paralegal Costs	\$ 225.25
Attorney General Charges	<u>2,618.00</u>
Total	2,843.25

b. In order to recover costs, complainant must prevail on the merits. Inasmuch as complainant only prevailed in part, it is appropriate to award only a portion of the costs. In this case, a 75% fraction is reasonable in light of the allegations established.

c. The reasonable costs of investigation and enforcement of both matters are, therefore, \$2,132.44 or 75% of \$2,843.25.

59. Except as set forth in this Decision, all other allegations in the Accusation are found to lack merit or to constitute surplusage.

\* \* \* \* \*

Pursuant to the foregoing findings of fact, the Administrative Law Judge makes the following determination of issues:

DETERMINATION OF ISSUES

1. Cause exists to discipline respondent's license pursuant to Title 16, CCR, section 1398.6 in that he failed to notify the Board of changes of address in a timely manner, by reason of finding of fact numbers 54 and 55.

2. Cause exists to revoke probation pursuant to Business and Professions Code<sup>3</sup> sections 2609, 2614, and 2660, and condition of probation "U" for violation of terms and conditions of probation as follows:

a. he failed to timely complete a course in ethics as required by condition of probation "G", by reason of finding of fact numbers 13 and 48;

b. he failed to complete an educational program or courses related to the prevention of harassment, misconduct, and/or sexual abuse as required by condition of probation "H", by reason of finding of fact numbers 14 and 51;

c. he failed to complete a community service program as required by condition of probation "I", by reason of finding of fact numbers 15 and 45;

d. he failed to make timely reimbursement of the Board's/Committee's costs as required by condition of probation "O", by reason of finding of fact number 9 and 56;

e. he failed to file quarterly reports after February 1997 as required by condition of probation "Q", by reason of finding of fact number 27;

f. he failed to timely report address changes to Investigator Zauss and to report for one scheduled meeting, as required by condition of probation "R", by reason of finding of fact numbers 46, 54, and 55;

g. he failed to report for one scheduled meeting, as required by condition of probation "S", by reason of finding of fact number 46;

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<sup>3</sup>All further statutory references are to the Business and Professions Code.



h. he failed to submit the name of a practice monitor for the Board's prior approval, as required by condition of probation "D", by reason of finding of fact number 57; and,

i. he failed to submit for the Board's prior approval the name of third parties who could present during his examination or treatment of female patients, as required by condition "F", by reason of finding of fact number 57;

j. he failed to obey all rules and regulations governing the practice of physical therapy in California by not notifying the Board of changes of address in a timely manner, as required by condition of probation "P", by reason of finding of fact numbers 54 and 55 and Determination of Issues number 1.

3. It was not established that respondent violated the following terms or conditions of probation:

a. condition "J" since respondent did not use a prohibited alias, by reason of finding of fact number 38;

b. condition "K" since respondent has not been employed as a physical therapist, by reason of finding of fact number 52; and,

c. condition "T" since respondent did not leave California to reside or practice in another state, by reason of finding of fact number 29.

4. Cause for discipline of respondent's license was not established pursuant to section 2660(1) as alleged in paragraph number 41 of the Amended Accusation and Petition to Revoke Probation in that it was not shown that respondent committed fraudulent, dishonest, or corrupt acts by completing the quarterly reports in the manner in which he did, by reason of finding of fact number 28.

5. Cause for discipline of respondent's license was not established pursuant to section 2660(i) and (1) as alleged in paragraph number 42 of the Amended Accusation and Petition to Revoke Probation in that it was not shown that respondent used any aliases in his practice or that he committed fraudulent, dishonest, or corrupt acts by identifying himself on his telephone as "Dr. Kumar", by reason of finding of fact numbers 28, 38, and 52.

6. Cause for discipline of respondent's license was not established pursuant to sections 2655.11 and 2660(i) as alleged in paragraph number 43 of the Amended Accusation and Petition to Revoke Probation in that it was not shown that respondent referred to himself as "Doctor" in violation of the law, by reason of finding of fact numbers 38 and 52.

7. Except as set forth in this Decision no other cause for discipline or violation of a term or condition of probation was established.

8. The reasonable costs of investigation and enforcement of this matter pursuant to section 125.3 are \$2,132.44, by reason of finding of fact number 58.

9. All evidence of mitigation and rehabilitation has been considered. Respondent in good faith sought to comply with the terms of probation under the guidance of his probation monitor, which individual was the only one to ever introduce himself in this capacity. Respondent particularly focused on completing the psychological evaluation he viewed as the precondition to several other terms.

Respondent's difficulty in finding acceptable course offerings was not contradicted at the hearing --in fact, it was not established that a twenty-hour course in the elimination of sexual abuse or misconduct is available to respondent in Southern California or elsewhere. Compliance with the psychotherapy condition must await Board/Committee action. The notice to employer did not apply since respondent has not been employed as a physical therapist or acupuncturist during the period of probation. Although failing to submit the names of potential third-party monitors, respondent did not actually treat any patient, female or male.

On the other hand, he served the suspension, cooperated with Dr. Maram in the completion of the psychological evaluation, and complied with several other terms and conditions of probation.

In the existing circumstances, respondent's failure to comply with some of the terms and conditions is not of such nature as to call into question his ability to safely resume the practice of his profession. Outright revocation is therefore not warranted.

Nevertheless, the Board has not had the opportunity to fully monitor respondent's activities in accordance with the original terms and conditions of probation. It is therefore appropriate to modify the initial terms and conditions to more appropriately protect the public in light of the violations established. In light of Dr. Maram's evaluation, it is unnecessary for respondent to undergo another one at this time. Further, inasmuch as respondent has served his suspension and has not engaged in the practice of physical therapy or acupuncture, additional suspension time is not necessary.

Accordingly, the order which follows is necessary for the protection of the public.

\* \* \* \* \*

WHEREFORE, THE FOLLOWING ORDER is hereby made:

1. The Amended Accusation and Petition to Revoke Probation is sustained in accordance with this Decision.

2. The Decision and Order dated March 1, 1996, entered pursuant to the parties' Stipulated Settlement and Order, is modified as follows.

Physical Therapist License number PT 15596 issued to respondent Suresh Kumar Ahuja is revoked. However, revocation is stayed and respondent is placed on probation for seven (7) years upon the following terms and conditions.

B. PSYCHOLOGICAL EVALUATION. Respondent shall not engage in the practice of physical therapy until notified in writing by the Board or its designee of its determination that Respondent is fit to practice physical therapy safely.

If the Board or its designee concludes from the results of the evaluation by Dr. Maram that Respondent would benefit from ongoing psychotherapy, Respondent shall comply with the Board's directive in that regard.

The Board may order additional psychological evaluations as reasonably necessary.

Respondent shall pay for all evaluation, testing and treatment costs. Failure to pay such costs will be considered a violation of probation.

If at any time during probation, respondent is notified by the Board or its designee that the Board-appointed psychologist has determined that he is not capable of practicing physical therapy safely, respondent immediately shall cease engaging in the practice of physical therapy. Respondent shall not resume engaging in the practice of physical therapy until notified in writing by the Board or its designee of its determination that respondent is capable of practicing physical therapy safely.

C. PSYCHOTHERAPY. If respondent is required by the Board or its designee to undergo psychological counseling or psychotherapy, respondent shall within thirty (30) days of the requirement notice submit to the Board or its designee for its prior approval the name and qualifications of a psychotherapist of respondent's choice. Upon approval of the psychotherapist by the Board or its designee, respondent shall undergo and continue treatment until he is notified in writing by the Board or its designee that no further psychological counseling or psychotherapy is necessary.

Respondent shall have the treating psychotherapist submit written quarterly status reports to the Board or its designee indicating whether respondent is capable of practicing physical therapy safely.

Respondent shall pay for all counseling and treatment costs. Failure to pay such costs will be considered a violation of probation.

D. MONITORING OF PRACTICE. Within thirty (30) days of the effective date of the Board's Decision, respondent shall submit to the Board or its designee for its prior approval, the name and qualifications of one or more California licensed physical therapists whose licenses are valid and clear (i.e., no complaints or accusations filed or disciplinary action taken against such licensee) and have agreed to serve as respondent's practice monitor.

The practice monitor shall be involved in the same field of practice in which respondent is involved, shall have fully read this Decision, and fully understand his or her role as practice monitor. Within that 30-day period, the monitor shall submit a plan by which respondent's practice shall be monitored. Such plan must be approved by the Board and shall be subject to any changes or modifications which the Board deems necessary.

During the first year of probation, the practice monitor shall submit to the Board written reports on a monthly basis verifying that monitoring has taken place, providing an evaluation of respondent's performance, indicating whether respondent is capable of practicing physical therapy safely, and providing any other necessary information requested by the Board. Thereafter, such written reports by the monitor shall be submitted to the Board or its designee on a quarterly basis unless otherwise required by the Board. It shall be respondent's responsibility to ensure that the practice monitor files each written report in a timely fashion.

Respondent shall provide access to the monitor of respondent's fiscal and patient records and such monitor shall be permitted to make direct contact with any patients treated or cared for by respondent. Respondent shall execute a release authorizing the monitor to provide to the Board or its designee any relevant information that it may request.

The monitor shall have no prior business, professional, personal or other relationship with respondent. Monitoring shall consist of at least one hour per week of individual face-to-face meetings between respondent and his practice monitor.

Respondent shall notify all current and potential patients of any term or condition of probation which will affect their treatment or the confidentiality of their records, such as this condition which requires a practice monitor. Such notification shall be signed and dated by each patient prior to the commencement or continuation of any examination or treatment of each patient by respondent and a copy of such notification shall be maintained in each patient's files. The notifications signed by respondent's patients shall be subject to inspection and copying by the Board or its designee at any time during the period of probation.

If the monitor resigns or is no longer available, respondent shall, within 15 days of such resignation or unavailability, submit a request to the Board or its designee to have a new monitor appointed through nomination by respondent and approval by the Board or its designee.

Respondent shall pay for all monitoring costs.

E. RESTRICTION OF PRACTICE. During probation, respondent shall be prohibited from engaging in solo practice, home care or working on a graveyard shift or any shift in which there is no other physical therapist working at such facilities at that time. In addition, respondent shall be prohibited from engaging in registry work, except at a maximum of five health care facilities which must be approved by the Board or its designee within sixty (60) days after the effective date of the Board's Decision in this matter and within thirty (30) days prior to his employment at any such facilities.

In the event there are changes in any of these facilities, respondent must obtain approval from the Board or its designee at least thirty (30) days prior to working at any new health care facility. Respondent's request for any change in facilities regarding his registry work shall be considered no more than semi-annually.

F. THIRD PARTY PRESENCE. In the event that the Board concludes from the psychological evaluation prepared by Dr. Maram that respondent is capable of practicing physical therapy safely, respondent shall always have a third party present while examining or treating any female patient at any time during probation.

Within sixty (60) days of receiving Board notification that he may return to the practice of physical therapy, respondent shall submit to the Board or its designee for its prior approval, the name or names of persons who will be the third party present when respondent is examining or treating any female patient. In addition, respondent must obtain approval of the Board or its designee at least thirty (30) days prior to any changes in the third party present.

Prior to commencing her or his duties and responsibilities of being the third party, each third party shall have fully read the this Decision and fully understand her or his role as the third party.

Respondent shall execute a release authorizing the designated third party or parties to provide any relevant information requested by the Board or its designee regarding respondent's care or treatment of any female patient.

Respondent shall provide written notice to each and every female patient about this requirement of the presence of a third party prior to commencing or continuing any examination or treatment of any female patient. In addition, such notice shall state that respondent's physical therapist license is subject to probationary terms and conditions, and provide the current address and phone number of the Board for any patient to contact regarding more information. Respondent shall maintain a copy of such notice which is signed and dated by each female patient in the patient's file. Such notice shall be subject to periodic review by the Board or its designee during probation.

G. ETHICS COURSE. Within sixty (60) days of the effective date of the Board's Decision, respondent shall formally submit to the Board or its designee for its approval details regarding the ethics course completed on December 15, 1997, at Samra University of Oriental Medicine. If this course is acceptable to the Board or its designee, then compliance with this condition would have been achieved.

If the course is not acceptable, then respondent shall submit, within sixty (60) days of the Board's notice, another course for the Board's prior approval. The approved course shall be completed within the first year of probation.

H. EDUCATION COURSES. Within ninety (90) days of the effective date of the Board's Decision, respondent shall submit to the Board or its designee for its prior approval an educational program or courses related to the prevention or elimination of sexual harassment, misconduct and/or abuse which shall not be less than 20 hours during the first year of probation. This program shall be in addition to any continuing education requirements for renewal of respondent's license.

If unable to locate a suitable course within sixty (60) days of the effective date of the Board's Decision, respondent shall seek the assistance of the Board in this endeavor.

Respondent shall provide to the Board or its designee written proof of attendance and successful completion of each course within thirty (30) days of his completion of each course.

I. COMMUNITY SERVICE. Within sixty (60) days of the effective date of the Board's Decision, respondent shall formally submit to the Board or its designee for its approval details regarding his present community service at the Sikh Temple. If this service is acceptable to the Board or its designee, then respondent shall continue providing at least eight (8) hours per month of community service for the first three years of probation.

If community service at the Sikh Temple is not acceptable, then respondent shall submit, within sixty (60) days of the Board's notice, the name of another community service program for the Board's prior approval. Once approved, respondent shall provide at least eight (8) hours per month of community service for the first three years of probation.

In the event of any changes in the community service program, respondent must obtain the Board's approval before his participation in another program will be considered as adequate to satisfy this community service requirement.

J. PROHIBITED USE OF ALIASES. Respondent shall continue to refrain from using the name "Sean King" and shall be prohibited from using any name which is not his legally-recognized name or based upon a legal change of his name. Any legal changes in respondent's name shall be registered with the Board within ten (10) days of such change.

K. NOTICE TO EMPLOYER. Within fifteen (15) days from his return to the practice of physical therapy and the date of any changes in respondent's employment as a physical therapist or places of practice of physical therapy, respondent shall provide the Board or its designee with written proof of service that respondent has served a true copy of the Board's Decision in this matter on each of his employers or such other persons in charge at each place where respondent is employed or engaging in the practice of physical therapy.

L. CHANGES OF EMPLOYMENT. Respondent shall notify in writing the Board or its designee of any and all changes of employment and the address of each place of employment within fifteen (15) days of such change.

M. NO EMPLOYMENT OR SUPERVISION OF AIDES, ASSISTANTS OR STUDENTS. Respondent shall not employ or supervise any physical therapy aides, physical therapy assistants, or physical therapy students during the entire period of probation. Respondent shall terminate any such employer or supervisorial relationship in existence on the effective date of this probation.

N. MODIFICATION OR EARLY TERMINATION OF PROBATION. Respondent shall have the right to petition for modification or termination of probation pursuant to the applicable laws.

O. COST RECOVERY. Respondent shall pay the Board/Committee \$4,812.50 still owed from the \$7,500 of the prior actions' costs of investigation and prosecution. This amount is to be divided between the Board and the Committee at their discretion. This amount is to be paid in equal quarterly sums of \$200 until paid in full.

In addition, respondent shall pay the Board \$2,132.44 for its costs of investigation and prosecution of the instant matter. This amount is to be paid in equal quarterly sums of \$150 until paid in full.

The payment of these costs is not tolled by practice or residency outside of California. The filing of bankruptcy by respondent shall not relieve him of his responsibility to reimburse the Board for its investigative and prosecution costs.

In the event respondent fails to pay the total amount of the investigation and prosecution costs as required under this probation condition, such failure shall constitute a violation of probation.

P. OBEY ALL LAWS. Respondent shall obey all federal, state, and local laws, and all rules and regulations governing the practice of physical therapy in California.

Q. QUARTERLY REPORTS. Respondent shall submit quarterly declarations under penalty of perjury on forms provided by the Board or its designee, stating whether there has been compliance with all the conditions of probation.

R. SURVEILLANCE PROGRAM. Respondent shall comply with the Board's probation surveillance program and shall, upon reasonable notice, report to the assigned investigative district office or its designee. Respondent shall notify in writing the Board and his probation surveillance monitor within fifteen (15) days of any changes in his address of business and/or residence. A post office box will not be considered as an acceptable address of record.

Respondent shall contact the assigned probation surveillance monitor regarding any questions regarding the Board's Order in this matter. Respondent shall not have any unsolicited or unapproved contact with any of the following persons: victims or complainants in the initial case; Board members or members of its staff; persons serving as expert witnesses or examiners for the Board.

S. INTERVIEW WITH THE BOARD OR ITS DESIGNEE. Respondent shall appear in person for interviews with the Board or its designee upon request at various intervals and with reasonable notice.



T. TOLLING FOR OUT-OF-STATE PRACTICE OR RESIDENCE. The period of probation shall not run during the time respondent is residing or practicing outside the jurisdiction of California or not practicing physical therapy in California.

If at any time during probation respondent moves out of the jurisdiction of California to reside or practice elsewhere for more than thirty (30) days, respondent is required to notify the Board in writing of the date of his departure from this state within ten (10) days of such departure from this state and the date of return, if any, within ten (10) days of his return to this state.

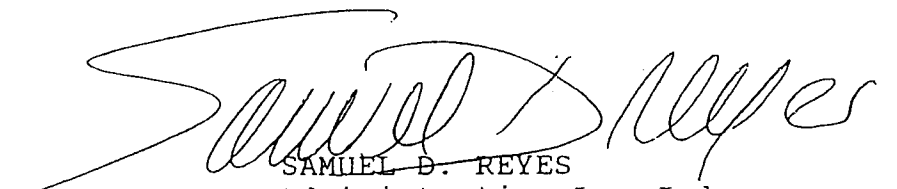
U. VIOLATION OF PROBATION. If respondent violates probation in any respect, the Board, after giving respondent notice and the opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed.

If an accusation or petition to revoke probation is filed against respondent during probation, the Board shall have continuing jurisdiction until the matter is final.

No petition for modification or termination of probation shall be considered while there is an accusation or petition to revoke probation pending against respondent.

V. COMPLETION OF PROBATION. Upon successful completion of probation, respondent's physical therapy license shall be fully restored.

DATED: 3/13/98

  
SAMIUEL D. REYES  
Administrative Law Judge  
Office of Administrative Hearings

**DECLARATION OF SERVICE BY CERTIFIED MAIL**

In the Matter of the Accusation and Petition to Revoke Probation Against:

**Suresh Kumar Ahuja**

I, the undersigned, declare that I am over 18 years of age and not a party to the within cause; my business address is 1418 Howe Avenue, Suite 16, Sacramento, California 95825. I served a true copy of the attached:

**ACCUSATION AND PETITION TO REVOKE PROBATION AND ORDER**

by mail on each of the following, by placing same in an envelope (or envelopes) addressed (respectively) as follows:

<u>NAME AND ADDRESS</u>	<u>CERT No.</u>
Suresh K. Ahuja 525 East Magnolia Blvd., #O Burbank, CA 91501	7002 0860 0005 4813 2691
Suresh K. Ahuja 1250 E. Ocean Blvd., #306 Long Beach, CA 90802	7002 0860 0005 4813 2721
Diane M. L. Tan, DAG Dept. of Justice 300 South Spring Street, Suite 1702 Los Angeles, CA 90013	7002 0860 0005 4813 2707
Simon Robert Hiller, Esq. Law Offices of Simon Robert Hiller 6255 Sunset Blvd., Ste. 1021 Los Angeles, CA 90028	7002 0860 0005 4813 2714

Said envelope was then, on July 29, 2003 sealed and deposited in the United States mail in Sacramento, California, the county in which I am employed, as certified mail with the postage thereon fully prepaid, and return receipt requested.

Executed on July 29, 2003 in Sacramento, California. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

  
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